

The opinion in support of the decision being entered today is not binding precedent of the Board.

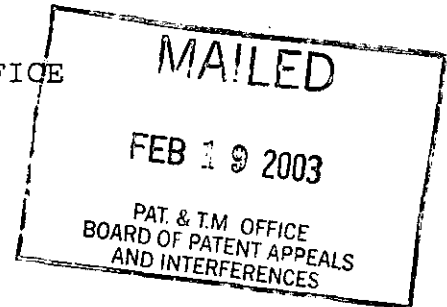
Paper 21

Filed by: Mark Nagumo
Administrative Patent Judge
Box Interference
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Tel: 703-308-9797
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Filed
February 19, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



PAUL R. WEST,
EUGENE L. SHERIFF, JEFFERY A. GURNEY, RALPH S. SCHNEEBELI,
THOMAS R. JORDAN, and GARY R. MILLER

Junior Party,
(Patent 5,705,322),

v.

MARC VAN DAMME, JOAN VERMEERSCH, and DIRK KOKKELENBERG

Senior Party
(Application 08/885,724).

Patent Interference 105,031

JUDGMENT PURSUANT TO 37 C.F.R. § 1.662

A. Findings of Fact

1. On February 13, 2003, Junior Party West, through counsel, filed Paper No. 18, a sealed settlement agreement to be kept separate from the file of the interference, as provided for by 35 U.S.C. § 135(c).

2. On February 14, 2003, Senior Party Van Damme,

through counsel, filed Paper No. 19, in which Van Damme requested entry of adverse judgment in the above-captioned interference.

3. On February 14, 2003, Van Damme also filed Paper No. 20, stating that it "expressly abandons application Serial No. 08/885,724, filed June 30, 1997, and any and all continuations, divisions, continued prosecution applications or requests for continued examination or continuation-in-part applications thereof."

A. Order

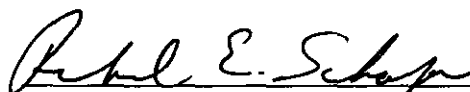
Upon consideration of the papers summarized immediately *supra*, it is

ORDERED that judgment on priority as to Count 1, the sole count in the interference, is awarded against senior party Van Damme.

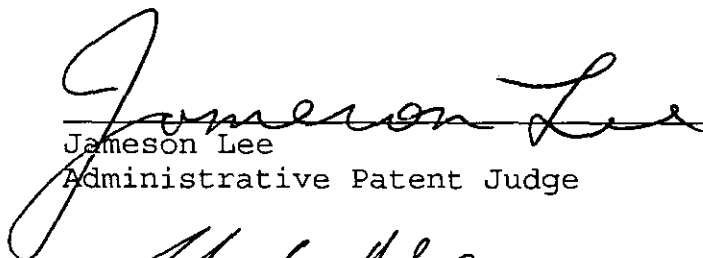
FURTHER ORDERED that senior party Van Damme is not entitled to a patent containing claims 1-8 (corresponding to Count 1) of U.S. Application 08/885,724.

FURTHER ORDERED that a copy of this paper shall be made of record in files of U.S. Patent 5,705,322 and U.S. Application 08/885,724.

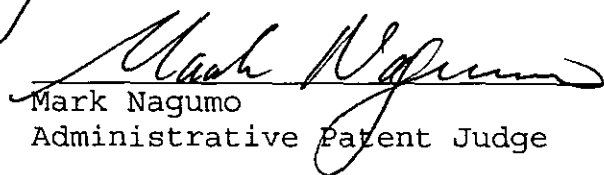
FURTHER ORDERED that Van Damme's attention is directed to 37 C.F.R. §§ 1.138 and 1.17(h) (fee) regarding procedures for express abandonment, which must be filed in the appropriate applications before the examiner.



Richard E. Schafer
Administrative Patent Judge



Jameson Lee
Administrative Patent Judge



Mark Nagumo
Administrative Patent Judge

BOARD OF
PATENT
APPEALS

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